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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/089,988

06/10/2002

Jonathan Sharp

367.41543X00

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7590

11/29/2005

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EXAMINER

PHU, SANH D

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/089,988

Applicant(s)

SHARP, JONATHAN

Examiner

Sanh D. Phu

Art Unit

2682

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 19-40.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: Attachment.

ATTACHMENT

This Attachment is responsive to the Applicant's Response filed on 11/2/05.

-Regarding claim 19, the applicant mainly argues that it would not have been obvious for a person skilled in the art to implement Cushion et al processor, display (24) and special key (34) in such a way that the processor would control the display to show received data as text, wherein when Cushion et al device is in the closed configuration, the processor provides the received text to the user as text with streams, without repeated user input, through the visible portion of the display.

The examiner respectfully disagrees. Cushion et al does not disclose whether the processor controls the display in the closed configuration with or without user repeated input. However, he teaches a special key (34), in closed configuration, can be implemented to be used by the user to select all options (inherently including options of displaying) available with the device (see figures 1 and 3, page 4, line numbers 10-15 and page 6, line number 40). It would have been obvious for a person skilled in the art, at the time of the invention was made, within his skills and upon his design preference, to selectively implement Cushion et al processor, display and special key, as taught by Cushion et al, in such a way that the processor controls the display, via user input through the special key, to show received data as text wherein when the device is in the closed configuration the processor provides the receiver text the user as text which streams, with or without repeated user input, through the visible portion of the display so that the device is able to receive and display the messages properly. In the case that a received text with streams can be shown entirely on the display when Cushion et al device is in the closed configuration, (e.g., a received text "MAXON 123456" (SEE FIGURE 3)) after said processor's

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controlling, the user inherently does not need any repeated user input in order to view the received text during Cushion et al device being in the closed configuration.

-Regarding claim 21, the applicant mainly argues that Cushion et al in view of Azartash et al does not teach that responsive to movement of the cover from the closed position to the open position, the format in which the text being displayed is changed.

The examiner respectfully disagrees. Cushion et al does not disclose responsive to the movement of the cover from the open position to the closed position, the device continues to display the text but to change the format in which the text is displayed.

Azartash et al disclose the movement of the cover from the open position to the closed position to continue to display the text but to change the format from a small size to a bigger size in which the text is better displayed with respect to a viewing from the user, (e.g., from opened to closed position, the text format will be magnified with the order of 1.5 to 2.5) (see page 3, lines 27-28).

It would have been obvious for one skilled in the art to modify Cushion et al with magnifying lens in such a way that Cushion et al viewing window would be implemented with the magnifying lens, as taught by Azartash et al, so that the user can see better when movement of the cover from the open position to the closed position occurs since Cushion et al device in view of Azartash et al continues to display the text but to change the format from a small size to a bigger size with which the text is displayed with respect to the viewing of the user.

Further, claim 21 does not have other limitations for further describing or defining the limitation "the format" in order to make the limitation "the format" distinguishable from the format in size of Cushion et al in view of Azartash et al, as explained above.

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-Based on the above rationale, it is believed that the limitations of claims are still met and therefore, the rejections are still maintained.

Quochien B. Vuong 11/22/05

QUOCHIEN B. VUONG
PRIMARY EXAMINER